

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HOOVER & ASSOCIATES, FINANCIAL
SERVICES, INC., et al.,

CASE NUMBER: 11-CV-10051

Plaintiffs,

HONORABLE STEPHEN J. MURPHY, III

v.

ANDREW F. PIRON,

Defendant.

ORDER TO ADDRESS STAY OF CASE

Plaintiffs Hoover & Associates, Financial Services Inc. (“Hoover”) and Frickco Incorporated (“Frickco”), brought this putative class action against Defendant Andrew F. Piron, alleging that Piron violated the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, by sending unsolicited advertisements via fax. In a companion action, State Farm Fire & Casualty Company (“State Farm”) sued Piron, Hoover, and Frickco seeking a declaratory judgment that it has no duty to indemnify or defend Piron in the TCPA action, and Hoover and Frickco filed a counterclaim seeking a declaration that State Farm does have those duties. See State Farm Fire & Casualty Co. v. Piron, 11-CV-11375. The parties stipulated to stay the TCPA action pending resolution of the companion case. See Stipulated Order Holding Case in Abeyance, ECF No. 20. On February 29, 2012, the companion case was dismissed. Consent Order of Dismissal, ECF No. 28. The parties agreed that State Farm has no duty to defend or indemnify Piron in the TCPA action. *Id.* Because that issue is resolved, there is no longer any reason for this action to be stayed.

WHEREFORE it is hereby **ORDERED** that within ten days of service of this Order, the parties shall file either a stipulated order lifting the stay, or a notice of voluntary dismissal of the action under Federal Rule of Civil Procedure 41.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: March 19, 2012

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 19, 2012, by electronic and/or ordinary mail.

Carol Cohron
Case Manager